

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Limit Smoking in Outdoor Dining Areas

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1550 is enacted to read:

§ 1550. Smoking in outdoor eating areas

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Outdoor eating area" includes patios, decks, property permitted for outdoor dining and other outdoor areas under the control of a restaurant, tavern or lounge for the use of its patrons.

B. "Restaurant" means an establishment that invites the public to be served food and beverages on the premises.

2. Prohibition. Smoking is prohibited in an outdoor eating area until 10:00 p.m. if the outdoor eating area, or any portion thereof, is open and available for dining and beverage service.

3. Notification; request for compliance. A restaurant, tavern or lounge with an outdoor eating area shall notify its customers of the prohibition on smoking in outdoor eating areas and shall request customer compliance with this section.

4. Penalty. Notwithstanding section 1545, penalties for violations of this section are as set out in this subsection.

A. A law enforcement officer shall give an oral warning to a patron of a restaurant, tavern or lounge who is in violation of this section.

B. If, after receiving an oral warning pursuant to paragraph A, the patron of the restaurant, tavern or lounge fails to comply with this section, a fine of \$100 may be adjudged, except that a fine of up to \$1,500 may be adjudged for each violation of this chapter in cases when a person engages in a pattern of conduct that demonstrates a lack of good faith in complying with this chapter.

SUMMARY

This bill prohibits smoking in outdoor eating areas until 10:00 p.m.